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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,573	03/09/2004	Shinya Matsumoto	HGM-132-A	2487
21828 7590 05/18/2007 CARRIER BLACKMAN AND ASSOCIATES 24101 NOVI ROAD SUITE 100 NOVI, MI 48375			EXAMINER JOHNSON, VICKY A	
			ART UNIT 3682	PAPER NUMBER
			NOTIFICATION DATE 05/18/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/796,573

Applicant(s)

MATSUMOTO ET AL.

Examiner

Vicky A. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, 8, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kine (US 5,611,556).

Kine discloses a transmission apparatus comprising: a first rotatable member comprising a first rotatable shaft (see Fig 6) and at least one first rotatable element (11) operatively attached to the first rotatable shaft (see Fig 6); a second rotatable member (2) comprising a second rotatable shaft (1) arranged in parallel with said first rotatable shaft (see Fig 6), said second rotatable member further comprising a plurality of second rotatable elements (2) operatively attached to said second rotatable shaft (see Fig 6), said rotatable elements being greater in number than the number of rotatable elements of said first rotatable member (see Fig 6); an endless linking loop (20) interconnecting

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said first rotatable member and said second rotatable member to transmit rotation therebetween (see Fig 6); and a gear shift mechanism (19) for positioning said endless transmission linking loop among said predetermined number of said second rotatable elements for a transmission operation (col. 5 lines 40-43); wherein said endless linking loop is applied over said first rotatable member and said second rotatable member in parallel with a plane crossing a center line of said first rotatable shaft at a right angle (see Fig 6), and a chain guard (10)

4. Claims 1, 2, 5, 6 and 8, 11, 12, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Der Linde (US 2004/0014543).

Van Der Linde discloses a transmission apparatus comprising: a first rotatable member (18) comprising a first rotatable shaft (6) and at least one first rotatable element (18) operatively attached to the first rotatable shaft (see Fig 2); a second rotatable member (21) comprising a second rotatable shaft (8) arranged in parallel with said first rotatable shaft (see Fig 2), said second rotatable member further comprising a plurality of second rotatable elements (54, 55, 56) operatively attached to said second rotatable shaft (see Fig 2), said rotatable elements being greater in number than the number of rotatable elements of said first rotatable member (see Fig 2); an endless linking loop (20) interconnecting said first rotatable member and said second rotatable member to transmit rotation there between (see Fig 2); and a gear shift mechanism (32) for positioning said endless transmission linking loop among said predetermined number of said second rotatable elements for a transmission operation (see Fig 2); wherein said endless linking loop is applied over said first rotatable member and said second

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rotatable member in parallel with a plane crossing a center line of said first rotatable shaft at a right angle (see Fig 2), a slide mechanism (34, 35, 40), a hollow case housing (5).

Re claim 14, a transmission apparatus for a bicycle provided with a derailleur comprising: a derailleur shaft (38) supported at a supporting member 35, arranged at a body frame (4), and formed with a guide part (46, 47); a derailleur arm (43) movably supported at said derailleur shaft (see Fig 2); a rotatable guide member (46, 47) rotatably supported at said derailleur arm and having an endless transmission linking loop (20) wound around among a plurality of rotatable elements (54, 55) constituting a transmission rotatable member (21); and an operating element (40) for rotating said derailleur arm in respect to said derailleur shaft by moving while being guided by said guide part in response to a transmitting operation and at the same time translating said derailleur arm toward a central axis line of said derailleur shaft characterized in that: said derailleur shaft is supported in such a way that said central axis line becomes in parallel with a rotary center line of the rotatable guide member and a rotary center line of the transmission rotatable member (see Fig 2).

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

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USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 7,153,229.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they are obvious variants of the breath and scope of the claims.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Vicky A. Johnson 3/4/07
Primary Examiner
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